

**TOWN OF McCANDLESS  
MINUTES – COUNCIL’S REGULAR BUSINESS MEETING  
MAY 23, 2016**

**CALL TO ORDER**

The meeting was called to order at 7:34 p.m., by Council President Aufman, with the following in attendance: Council Members: Mertz, Walkauskas, Powers, LeDonne and McKim; Also present, Town Attorney Ries, Manager Cordek, Assistant Town Manager Ebner, Police Chief Anderson, Zoning Officer Betty, Marie Haller, Administrative Assistant and citizens as per the sign-in sheet. Excused: Council Member Zachary.

**INVOCATION**

The invocation was given by Council Member Walkauskas and was followed by the Pledge of Allegiance.

**MINUTES APPROVED**

Motion was made by Council Member LeDonne and seconded by Council Member McKim to approve Council’s Regular Business Meeting Minutes of April 25, 2016, as submitted to each member of Council.

Motion carried unanimously.

**BILLS APPROVED**

Motion was made by Council Member Powers and seconded by Council Member Walkauskas to approve all bills on List #5, dated April 26, 2016 through May 23, 2016, totaling \$1,058,233.43, as submitted to each member of Council and posted on the bulletin board.

Motion carried unanimously.

**PUBLIC HEARING  
LIQUOR LICENSE TRANSFER  
EMILIANO’S MCCANDLESS, LLC.**

A public hearing was called to order on the request of Emiliano’s McCandless, LLC for transfer of Liquor License R-12012 from Ulloa, Inc., 8600 McKnight Road, Ross Township, PA 15237 to its restaurant facilities to be located 9070 St. Simon Way, Pittsburgh, Pennsylvania 15237.

Zoning Officer Betty stated the public hearing has been advertised in accordance with the Town regulations and State law. The property was posted and there were two legal notices published. A court reporter was present to record this hearing.

Holly Guna, Esq., representing the law firm Caputo & Caputo, P.C., and Benigno Ulloa, President and Secretary of Emiliano's McCandless, LLC, were present. Ms. Guna stated they were in attendance to request a municipal transfer of a liquor license from Ulloa, Inc., (Mr. Ulloa's business) located at 8600 McKnight Road in Ross Township, to be used at his restaurant to be located at the McCandless Crossing development in the Town of McCandless. Emiliano's is a family-owned and operated restaurant offering authentic Mexican dishes, focusing on the sale of food with alcohol served as a compliment. The restaurant will include indoor seating for 180 people and will employ approximately (30) thirty employees.

Councilman LeDonne confirmed that this facility will not include a drive-thru. Town Attorney Ries stated his firm has reviewed this application and has met legal requirements.

Deborah Sagan, 9994 Parkland, requested clarification as to whether the proposed liquor license transfer is from Ross Township to McCandless; Council concurred. She discussed the number of liquor licenses issued within the Town.

Town Manager Cordek stated this application has been reviewed and recommended for approval by the Town's legal counsel. He noted the Pennsylvania License Control Board establishes the quota of liquor licenses and authorizes the issuance of liquor license transfers. He asked that Ms. Guna comment; she noted that the state authorizes licenses in excess of the ration set.

Motion was made by Council Member Aufman and seconded by Council Member McKim to close the public hearing.

The motion carried unanimously.

#### SUBDIVISION APPLICATION ZACHARY PLAN OF LOTS

Motion was made by Council Member McKim and seconded by Council Member LeDonne to approve the subdivision application for a lot line revision for the Zachary Plan located at 9980 and 9990 Grubbs Road, as per File No. LT1468, prepared by Tait Surveying, LLC, dated March 19, 2016, with the latest revision being April 27, 2016.

Council Member McKim stated this application was reviewed by the Planning Commission on May 3, 2016 and recommended for approval.

The motion carried unanimously.

SITE PLAN APPLICATION  
SLOVAK SAVINGS BANK (SSB)

Motion was made by Council Member McKim and seconded by Council Member LeDonne to approve the site plan application for the Slovak Savings Bank (SSB) proposed to be located at 8700 Perry Highway, adjacent to the intersection of Perry Highway and Prescott Drive, as per Project No. 152-822, Sheets 1-16, prepared by Civil Environmental Consultants, Inc., dated November 2015, with the latest revision being May 20, 2016, with the installation of fencing exceeding Town requirements as shown on the plan.

Council Member McKim stated this application was also reviewed by the Planning Commission on May 3, 2016 and recommended for approval.

Councilman Aufman stated he is in favor of the installation of a rain garden included in the proposed plans, but also shared his concerns about the potential for wet weather springs to emerge on the adjacent properties. He requested a condition be added to require the owner of record correct any drainage problems identified, per the judgement of Town Council. A question was raised regarding subsequent property owners notification of this condition. Zoning Officer Betty stated a letter will be sent to the property owner requiring acceptance of this condition within 15 days. Town Attorney Ries and Zoning Officer Betty agreed to explore and facilitate the best method to record this condition.

Zoning Officer Betty noted a drain will be installed at the bottom of the raingarden to facilitate drainage into the public stormwater system. He also noted a stormwater maintenance fee of \$2000 is included for this plan.

Dave Martin, 10585 Grubbs Road, asked questions pertaining to the notification of adjacent homeowners. Town Attorney Ries noted adjacent homeowners have been given notice of this project.

The motion carried unanimously.

(REMOVE FROM THE TABLE)  
RESOLUTION No. 8 of 2016

Motion was made by Council Member LeDonne and seconded by Council Member McKim to remove from the table a motion to adopt Resolution No. 8, a resolution establishing an Environmental Quality Board to serve as an advisory committee to Town Council. This resolution was previously tabled April 25, 2016.

The motion carried unanimously.

Motion was made by Council Member Powers and seconded by Council Member Mertz to adopt Resolution No. 8 of the 2016 Series, a resolution establishing an Environmental Advisory Committee to Town Council.

Barbara Richards, 305 Manor Court, expressed her support of establishing this committee.

The motion carried unanimously.

(REMOVE FROM THE TABLE)  
RESOLUTION No. 9 of 2016

Motion was made by Council Member LeDonne and seconded by Council Member McKim to remove from the table a motion to adopt Resolution No. 9, a resolution establishing an Appointment Policy for Boards, Commissions and Special Committees.

Council Member LeDonne commented that this policy establishes a process for people to participate in Town Boards, Commissions and Special Committees. Council Member McKim commented that there has been substantial discussion regarding the establishment of this policy. He also mentioned there has been difficulty finding people to serve and this will provide residents with an opportunity to participate.

Ilene Hayner, 205 Rolshouse Road, asked if criteria for specific positions have been written. Town Manager Cordek stated a position description has not been established, but an updated description of boards and committees and their responsibilities are posted on the Town's website. Ms. Hayner asked if the applicants will be required to have specific skills and if there is any way to diversify these positions. Council Member McKim commented that these positions are currently being established and criteria may be considered in the future as the positions evolve. Council Member LeDonne affirmed the Town is not permitted to discriminate.

Motion was made by Council Member LeDonne and seconded by Council Member Mertz to adopt Resolution No. 9 of the 2016 Series, a resolution establishing an Appointment Policy for Authorities, Boards, Commissions and Special Committees.

The motion carried unanimously.

RESOLUTION No. 10 of 2016  
LIQUOR LICENSE TRANSFER  
EMILIANO'S McCANDLESS, LLC.

Motion was made by Councilman McKim and seconded by Councilman LeDonne to adopt Resolution No. 10, a resolution to approve the request of Emiliano's McCandless, LLC for transfer of Liquor License R-12012 from Ulloa, Inc., 8600 McKnight Road, Ross Township, PA 15237 to its restaurant facilities to be located 9070 St. Simon Way, Pittsburgh, Pennsylvania 15237.

Deborah Sagan, 9994 Parkland, discussed additional concerns regarding the quota of liquor licenses granted in the Town of McCandless. It was explained Pennsylvania Liquor Control Board (PLCB) requires applicants to request a public hearing before the Town for the purpose of taking public comments on the proposed transfer. Attorney Guna commented that she is unaware of any restrictions pertaining to the transfer liquor licenses into the Town of McCandless. She stated that unless someone substantiates how a liquor license would adversely affect the health, welfare and morals of the community, there would be no basis for the PLCB not to approve such a transfer. It was reiterated this public hearing was scheduled for the purpose of Council to consider public comments prior to voting.

The motion carried unanimously.

#### CITIZENS' SUGGESTIONS/COMMENTS

Joseph Markl, 9499 Katherine Drive, asked for clarification pertaining to the Town's burning policy. He discussed the article recently published in the April Town Crier and reported he has observed a resurgence of fires being built in backyards throughout the neighborhood and expressed concern regarding the effects of air quality. Town Attorney Ries confirmed permits are required for open burning and may be obtained through the Fire Marshal's office. Guidelines for issuance of open burning permits and enforcement of the open burning regulations are posted on the Town's website. Fines have been established for those not in compliance and residents may contact the Fire Marshal for further clarification or report concerns to the McCandless Police Department.

Georgian Likar, 10150 Grubbs Road, discussed a copy of document distributed to Council on July 29, 2014 letter from the Town to Walmart Real Estate Business Trust outlining conditions required by Council for the Wal-Mart development. Attorney Ries shared he has advised Council not to comment on this while current litigation pertaining to the Wal-Mart development is pending. He stated the objectors have petitioned the Supreme Court; Town legal counsel returned an answer last week. Based upon the Supreme Court's ruling, updates may be provided.

#### ADJOURNMENT

There being no further business, motion was made by Councilman LeDonne to adjourn the meeting. The motion was seconded by Councilwoman McKim and passed unanimously. The meeting was adjourned at 8:17 p.m.

Respectfully submitted,



Tobias M. Cordek  
Town Manager

/mah

